

FILED
U.S. DISTRICT COURT

2011 AUG 10 P 1:14

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

My Name Jesse Majors
Address 6649 South 5500 West
City, State, Zip West Jordan, Utah 84081
Phone 801-360-6880
E-mail jessemajors@netscape.com

I am the ☒ Plaintiff
☐ Attorney for the Plaintiff and my Utah Bar number is _____

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JESSE ANNE MAJORS

Plaintiff,

vs.

THOMAS JEFFERSON SCHOOL OF
LAW, et al.,

Defendants.

**MOTION FOR IMPOSITION OF
SANCTIONS AGAINST
DEFENSE COUNSEL**

**CERTIFICATE OF GOOD
FAITH**

**AFFIDAVIT OF FACTS IN
SUPPORT OF THIS MOTION**

Case No. 2:11cv00558 CW

Judge Clark Waddoups
Magistrate Judge Samuel Alba

BACKGROUND

This matter is before the Court on Defendant's "Memorandum Opposing Motion To Set
Aside Order Restricting E-Filing Access", "Memorandum Opposing Motion For Order Granting

Immediate Injunction [sic] For Release of Educational Transcript” and Request for Attorney’s Fees.

MOTION FOR SANCTIONS

1. Plaintiff moves the Court for sanctions against Defendants’ counsel, Robert H. Wilde, Bruce M. Franson, Associates working on this case, and Defendants under Utah R.Civ.P. 11 and Fed.R.Civ.P.11. Plaintiff argues that Defendants’ counsel violated Rule 11(b) by filing motions and other legal documentation which included false, unsubstantiated claims against Plaintiff, filing voluminous motions and responses to Plaintiff’s motions that do not directly involve Defendants or their counsel, violating Plaintiff’s right to privacy, making implications to the court that certain actions have taken place when they have not, and by filing their most recent memoranda (Dockets 26 and 27).

2. Plaintiff further moves the Court for sanctions against Defense Counsel, Robert H. Wilde, Bruce M. Franson, Associates assisting on this case and Defendants under 28 U.S.C.A. § 1927, for multiplying pretrial proceedings unreasonably and vexatiously. This statute permits “sanctions against attorney[s] who multiplies proceedings unreasonable and vexatiously” because the “court has inherent power to impose variety of sanctions to regulate its docket, promote judicial efficiency and deter frivolous filings”. *Id.*

3. A “Certificate of Good Faith” is attached to this Motion.

31 4. An "Affidavit of Facts" is attached to this Motion

32

33 DATED this 4th day of August, 2011.

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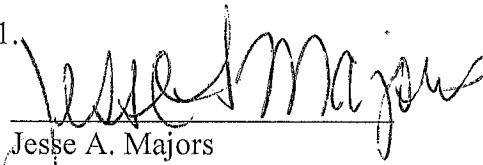
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Jesse A. Majors
Pro Se

CERTIFICATE OF GOOD FAITH

Based on the information received concerning the handling of this case, Plaintiff Mrs. Majors believes that there is a good faith basis to allege such fault against Defense Counsel Robert H. Wilde, Bruce M. Franson, and Associates, Attorneys at Law and Defendants.

DATED this 4th day of August, 2011.


Jesse A. Majors
Pro Se

AFFIDAVIT OF FACTS

I, Jesse A. Majors, having been sworn and being under oath, hereby allege as follows:

1. I am the Plaintiff in this lawsuit.

2. When I refer to Defense Counsel, I mean to include Robert H. Wilde, Bruce M. Franson and all associates that have worked on this claim. I also incorporate Defendants as liable for providing false information and/or directing Defense Counsel's misconduct.

3. I believe that I have a valid legal claim for this motion. The elements of this claim include:

- a. I filed an application to proceed *in forma pauperis*. This involves issues between only the judge and I and does not directly involve the defense in any way. Responding to this application was Defense Counsels' first and unwarranted delay. It makes it even more egregious because it involves personal information Defense Counsel should not have been allowed access to in order to make a response. I am under the impression, and it has been confirmed by the court that my Motion to Proceed *In Forma Pauperis* and its information are sealed and inaccessible to the Defendants. Hence, the only conceivable way for defense to gain access to said motion was through illegal means. For, if defense claims they did not access those documents, what business is it of theirs to oppose proceedings *in forma pauperis*? It seems their motive is retaliatory in nature and in trying to gain an unfair advantage over me as much as possible.
- b. *If* Defense Counsel did not access my private information, then they most certainly filed an objection motion arbitrarily and vexatiously. Without the

23 pertinent information contained in the *in forma pauperis* application, Defense
24 Counsel would have no basis for filing the motion. Therefore, they filed the
25 motion objecting to my application in contravention to the very case they referred
26 to in their motion requesting an award for attorney fees (*Chambers v. NASCO*,
27 501 U.S. 32 (1991)).

28 c. Mr. Wilde recently sent me an email in which he states that he has “some
29 suggestions on places you might get some assistance so that we can focus on the
30 core issues of your claims and spend less time in the procedural periphery.” Yet
31 when I motioned the court to provide me the assistance of the kind he is talking
32 about, he motioned the court against me. These inconsistencies are unfair and
33 should be treated by the court as such. Defense Counsel should want to handle
34 this lawsuit in the appropriate manner, against a represented litigant in a fair
35 environment, with equally represented parties. Defense Counsel seems to express
36 an unprofessional and unethical motive against it.

37 d. Forcing me to respond to false allegations is another valid basis for granting me
38 monetary sanctions against Defense Counsel. For example, Defense Counsel
39 stated that I was “expelled for not gaining the requisite skills for a legal degree or
40 attain the level of a legal professional.” This was a blatant lie. At the time of that
41 statement, I had not been expelled. It was only in response to *my* motion to the
42 court for an injunction to release my transcripts, (again, proof of Defense
43 Counsel’s retaliatory, unethical behavior), that a letter was sent to me from

44 Thomas Jefferson School of Law, dated July 22, 2011, stating my registration as a
45 student was suspended.

46 e. If Defense Counsel had made a reasonable investigation into the facts surrounding
47 this claim, it would have been revealed that no such documentation existed at that
48 time that showed I had been expelled from the law school. Because this was a lie
49 and is now in a legal document, Defense Counsel should be discharged from this
50 case and sanctioned appropriately for lying about me. In addition, because this
51 statement could end up negatively affecting me in the future, if not corrected and
52 retracted, Defense Counsel should be required to retract this statement as well.

53 f. Defense Counsel has been put on notice that Defendant law school and
54 Defendants Rudy Hasl, Beth Kransberger, Eric Mitnick, Jeff Joseph and Claudia
55 Ferguson have denied my access to my transcripts, which I have a legal right to. I
56 submitted an injunction and instead of Defense Counsel ensuring that I had copies
57 of my transcripts sent to the appropriate persons as noted in the Injunction so that
58 I could get on with my life and career, they chose to file this baseless response.
59 They chose to file this baseless motion when they should have placed more
60 importance on getting those transcripts sent out before deadlines. Their
61 purposeful misprioritizing and ignorance of more important matters, key to
62 finding honorable, well-paying, employment in the legal field, is hindering the
63 furtherance of my career, resulting in damages, at least as much as their alleged
64 attorney fees are, but more likely a greater amount, (completely justifiable in
65 awarding to me instead as sanctions for their purposeful ignorant behavior.)

66 g. In their most recent motion (Docket 27), Defense Counsel lied again. Defense
67 Counsel stated, in regards to my request for the release of transcripts, “Plaintiff
68 has submitted a motion, not supported by any memorandum... and not supported
69 by any affidavit or declaration... it is the Defendant’s policy to issue transcripts
70 for students and prior students upon the receipt of a completed standard transcript
71 request form which the Defendant does not show the Plaintiff has submitted.”
72 One of the largest sections in my “Memorandum Supporting Opposition to
73 Defendant’s Motion To Dismiss”, entitled “Constitutional Violations”,
74 “Transcripts”, included exact wording from emails from Defendants where I
75 asked for my transcripts and was systematically denied. I also related an
76 especially discriminatory, harassing incident in which I requested transcripts over
77 the phone, was ignored, transferred to Defendant Eric Mitnick where I left a voice
78 message and still received no response. I also factually stated I have a letter
79 confirming my request for transcripts be sent to the State Bar of California. I
80 factually stated I have copies of fax transmittals confirming receipt by Thomas
81 Jefferson School of Law of my transcript request. These documents are part of
82 the discovery process to be obtained and it is also Defense Counsel’s
83 responsibility to make reasonable inquiries into facts before making baseless,
84 false statements. Again, I direct the court to the same case law Defense Counsel
85 had referred to regarding when awarding attorney fees is appropriate to prove to
86 the court that Defense Counsel is more egregiously guilty of doing exactly what

87 they are accusing me of and I am the appropriate person to be awarded fees
88 (*Chambers v. NASCO*, 501 U.S. 32 (1991)).

89 h. I would like to bring to the court's attention, that Defense Counsel has just
90 provided **prima facie evidence** that Defendants have violated my Constitutional
91 Rights to have access to my educational records, to be free from a hostile
92 educational environment and to be free from discrimination and harassment. In
93 Docket 27, Defense Counsel stated, "it is the Defendant's policy to issue
94 transcripts for students and prior students upon the receipt of a completed
95 standard transcript request form which the Defendant does not show the Plaintiff
96 has submitted. Plaintiff should be aware that any transcript from the Defendant
97 will reflect her removal as a student."

98 i. If Defendants had sent me transcripts as I requested, then I would have been
99 notified of my academic status. I argued exactly the same. I was never notified
100 of my academic status! I was threatened many times with expulsion, but it never
101 happened. I argue that Defendants used the threat of expulsion to intimidate me
102 and harass me into making bad decisions, hurt my educational experience and
103 inflict emotional distress. Indeed, not only did I provide facts, documentation,
104 names of persons involved in violating my rights, but I copied and pasted emails
105 into the body of my "Amended Complaint" demonstrating the harassing nature of
106 Defendants, especially Rudy Hasl, when I simply asked why I was denied a
107 transcript request. Rudy Hasl berated me, called me names and insulted me for an

entire paragraph via email, never even responding to the transcript request portion!

- j. Because Defense Counsel just admitted that Defendants violated my constitutional rights by not sending me transcripts, this case must go to trial! I have the right to present evidence to prove my claim and disprove their lies against me.
- k. Defense Counsel again lied to the court in their “Memorandum Opposing Motion To Set Aside Order Restricting E-Filing Access”. Defense Counsel falsely stated that I filed a Rule 60(b)(2) motion. I did no such thing. Defense Counsel stated, “Plaintiff brings this motion under Rule 60(b)(2) Fed. R. Civ. P., which provides for relief where there is newly discovered evidence... Plaintiff fails to describe that newly discovered evidence and has certainly not listed it in her Affidavit of Facts in Support of Motion.” This is a blatant falsehood. I never suggested that I was submitting new evidence and I never referred to said rule.
- l. In this same memorandum, Defense Counsel implied that I had requested the court to reverse the entire order made by Magistrate Judge Samuel Alba in regards to e-filing. However, if Defense Counsel had taken the time to read my motion properly, they would have understood from its contents that I had agreed to not file documents electronically, but was unwilling to waive my right to receive notices via U.S. Postal Service. This unjustly implies that I am blatantly disregarding Judge Alba’s order. I did no such thing and have every right to request a re-evaluation of such Order.

- 130 m. Defense Counsel exhibited similar unethical behavior when I motioned the court
131 for Appointment of Counsel. Defense Counsel claimed that I stated I had a
132 “right” to the appointment of counsel and then proceeded to put statute and case
133 law in the Opposing Motion, (which is highly irrelevant), implying to the court
134 that I was claiming I had a “right” to appointment of counsel. Again, *if* Defense
135 Counsel had met their duty by thoroughly examining my motion, they would have
136 realized that I never said I had a “right” to counsel, but only that *if I was granted*
137 *permission to proceed in forma pauperis, then I had the right to appointment of*
138 *counsel*, which is in the rule book. They obviously had not done so.
- 139 n. Secondary to this motion, by unnecessarily involving themselves in my Motion
140 for Appointment of Counsel, Defense Counsel demonstrated their real reason or
141 motive for doing so is to keep me at a disadvantage in this case because I am
142 inexperienced, ungraduated law student attempting a huge civil case on her own.
143 This is so unethically against the model rules of professional conduct that perhaps
144 a complaint against them with the Utah State Bar is appropriate.
- 145 o. The most recent (additional) violation of my rights occurred when Defense
146 counsel, Mr. Wilde, began copying my emails to a third party, Kimberly Cole.
147 When I asked him to disclose who this person was and what her relation was to
148 this cause of action, he did not answer me. When I requested that he no longer
149 copy her on my emails, he said, “She is my adjuster and I am entitled to send her
150 whatever I please.” It is my understanding that when a disclaimer is attached to an
151 email advising someone that said email is to be kept confidential and not be

forwarded or carbon copied, that person is not allowed to do so. Pursuant to the Electronic and Communications Privacy Act of 1986 (18 U.S.C. § 2510 et. seq.), “any communication for which the sender intends only the sender and the intended recipient to read, is protected.”

CONCLUSION

1. Defense Counsel relied on *Chambers v. NASCO*, 501 U.S. 32 (1991), in which, the court upheld a trial court’s award of attorneys’ fees against a party who had repeatedly taken actions which were without merit and which delayed the proceedings. I am not guilty of any such behavior. Defense Counsel, however, is. Defense Counsel arbitrarily and vexatiously responds to every document I file, with little regard as to whether the motion is based on unsubstantiated facts, false implications or blatant lies. Defense Counsel has demonstrated a penchant for filing responses and memoranda to motions that do not involve them or their client, are private communication between the Judge and I, and for filing motions with blatant disregard to their incongruities, inconsistencies and misstatements.
2. Furthermore, Rule 11(b) of the Utah Rules of Civil Procedure states that “by filing papers with the court, an attorney or unrepresented party certifies to the best of his or her knowledge that the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.” (Utah R. Civ. P. 11(b)(3)). Fed. R. Civ. P. 11 also “allows a court to award sanctions where a party or an attorney files pleadings without a legitimate factual or legal basis.” Mr. Robert H.

174 Wilde, Mr. Bruce M. Franson and their assistants had made numerous factual
175 contentions in various papers filed with the court that were false and unsupported by
176 any evidence and filed at least four unnecessary motions: (1) an Opposition to
177 Appointment of Counsel, (2) an Opposition to Application to Proceed In Forma
178 Pauperis, (3) an Opposition to Email Appeal and (4) a Memorandum Opposing
179 Motion for Order Granting Immediate Injunction For Release of Educational
180 Transcript. They are unnecessarily creating, not only delays for the court, but me as
181 well, using the imbalance of power against me, trying to intimidate me. Motions and
182 pleadings are part of the litigation process and if defense had not responded
183 nefariously to motions, the docket would not be so full. If defense had not made so
184 many inaccurate, false, misleading statements compelling me to respond, there would
185 be fewer impediments to getting to trial.

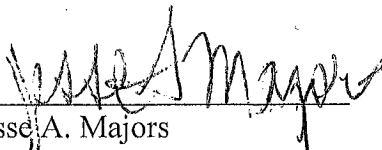
- 186 3. It is this irresponsibility that has plagued the court with complexities, confusion,
187 unnecessary filings and delays. I, Plaintiff Jesse Majors, have never taken this
188 approach. I do not simply respond arbitrarily to every document Defense Counsel
189 submits. I choose carefully, taking into consideration whether filing this document
190 will move the case forward, asking myself whether this document will assist the
191 defense into defending themselves, adding facts to sequential motions only when the
192 defense requests it and ensuring that I file only those motions that are necessary.

193 THEREFORE,


194 Plaintiff respectfully requests Defendants' Counsel, Mr. Robert H. Wilde, Mr. Bruce M.
195 Franson, their Associates assisting on this case, and Defendants be sanctioned and/or discharged

from this case or, in the alternative, deny Defense Counsel attorney fees and award such fees to Plaintiff for Defense Counsel's misconduct.

DATED this 4th day of August, 2011.


Jesse A. Majors
Pro Se

SUBSCRIBED AND SWORN to before me this 4th day of August, 2011.


Hazel A. Chorniak
My commission expires: 11-5-2013

State of Utah

County of Salt Lake



Delivery Certificate

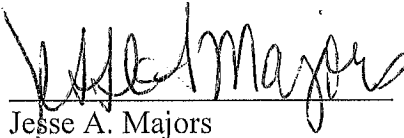
I hereby certify that I caused a true and correct copy of the foregoing Motion to be served by the method(s) indicated below and addressed to the following on this 4th day of August, 2011.

ROBERT H. WILDE #3466
BRUCE M. FRANSON #10792
ROBERT H. WILDE, ATTORNEY AT LAW, P.C.
935 East South Union Avenue Suite D-102
Midvale, Utah 84047
Telephone: (801) 255-4774
Fax: (801) 566-5202
bob@rhwildelaw.com
Attorneys for Defendant Thomas Jefferson School of Law

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- ☐ CM/ECF Posting

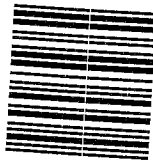
DATED this 4th day of August, 2011.



Jesse A. Majors
Pro Se



Jesse Meijors
6649 S. 5500 W.
West Jordan, UT 84081-4386



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